

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of ----- )  
 )  
 PACIFIC LIGHTNET, INC. )  
 )  
 Petition for Arbitration Pursuant )  
 to 47 U.S.C. § 252(b) of )  
 Interconnection Rates, Terms, and )  
 Conditions with Hawaiian )  
 Telcom, Inc. )  
 \_\_\_\_\_ )

DOCKET NO. 03-0197

ORDER NO. 23500

DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

2007 JUN 21 A 10:13

RECEIVED

Filed June 20, 2007  
At 11 o'clock A.M.

Karen Higashi  
Chief Clerk of the Commission

ATTEST: A True Copy  
KAREN HIGASHI  
Chief Clerk, Public Utilities  
Commission, State of Hawaii.

Karen Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

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	PACIFIC LIGHTNET, INC.	)	Docket No. 03-0197
		)	
	Petition for Arbitration Pursuant	)	Order No. 23500
	to 47 U.S.C. § 252(b) of	)	
	Interconnection Rates, Terms, and	)	
	Conditions with Verizon	)	
	Hawaii, Inc.	)	
		)	
		)	

ORDER

By this Order, the commission approves the conforming interconnection agreement filed by HAWAIIAN TELCOM, INC. ("Hawaiian Telcom"), formerly known as VERIZON HAWAII INC. ("Verizon Hawaii"), and PACIFIC LIGHTNET, INC. ("PLNI") on May 18, 2007 ("Interconnection Agreement"). In doing so, the commission orders Hawaiian Telcom and PLNI to file their executed Interconnection Agreement consistent with the commission's approval herein, within thirty days from the date of this Order, and instructs that the effective date of the agreement shall be the date of this Order.

I.

Interconnection Agreement

On March 15, 2007, the commission issued Decision and Order No. 23304 ("Decision and Order") in this proceeding. In the Decision and Order, the commission addressed the open issues of PLNI's Petition for Arbitration of Interconnection

Rates, Terms, and Conditions for interconnection with Hawaiian Telcom and directed PLNI and Hawaiian Telcom to incorporate the commission's resolution of the open issues, as set forth in the Decision and Order, into a draft interconnection agreement. The commission required PLNI and Hawaiian Telcom to file the document with the commission and the DIVISION OF CONSUMER ADVOCACY of the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate")<sup>1</sup> within thirty days from the date of the Decision and Order.

On March 28, 2007, PLNI filed a motion requesting clarification, or, in the alternative and pursuant to HAR § 6-61-137, reconsideration of the Decision and Order ("Motion"). In response, the commission issued Order No. 23369 on April 16, 2007, dismissing PLNI's Motion as untimely.<sup>2</sup>

On May 18, 2007,<sup>3</sup> Hawaiian Telcom and PLNI submitted their Interconnection Agreement for the commission's review and approval pursuant to the Decision and Order.

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<sup>1</sup>The Consumer Advocate is an ex-officio party to all proceedings before the commission. See Hawaii Revised Statutes § 269-51; Hawaii Administrative Rules ("HAR") § 6-61-62.

<sup>2</sup>The Decision and Order was properly served on the parties by mail on March 15, 2007. As a result, the last permissible day for filing of PLNI's Motion was March 27, 2007; however, PLNI's Motion was filed on March 28, 2007, one day after the last permissible filing day.

<sup>3</sup>By letter dated and filed on April 16, 2007, Hawaiian Telcom and PLNI jointly filed a letter requesting a thirty day extension (i.e., until May 16, 2007) to submit the conforming agreement with the commission. By letter dated April 23, 2007, the commission approved Hawaiian Telcom and PLNI's joint extension request. Subsequently, on May 14, 2007, Hawaiian Telcom and PLNI requested an additional two days (i.e., until May 18, 2007) to submit the agreement, which the commission granted by letter dated May 17, 2007.

According to Hawaiian Telcom and PLNI, the Interconnection Agreement incorporates the commission's findings regarding the open issues, as well as the issues previously settled between Hawaiian Telcom and PLNI, and some technical modifications necessary to reflect the change from Verizon Hawaii to Hawaiian Telcom.

Upon review, the commission finds that the Interconnection Agreement adequately reflects the commission's intent as set forth in the Decision and Order. Specifically, with respect to the open issues, the commission recognizes that the Interconnection Agreement represents Hawaiian Telcom and PLNI's concurrence regarding any necessary and appropriate changes. This is evidenced by the signatures of the parties' respective representatives and their joint submittal of the document. Accordingly, the commission finds that approval of the jointly filed Interconnection Agreement, under the particular circumstances of this proceeding, is reasonable. The commission's approval of the Interconnection Agreement is also based on its general policy favoring voluntary negotiations and agreements. Specifically, as set forth in HAR § 6-80-6(a)(1), it is the commission's policy to "[e]ncourage voluntary negotiations and agreements between telecommunications carriers for access, interconnection, unbundling, network termination, and other telecommunications-related matters[.]"<sup>4</sup>

Hence, the commission concludes that the jointly filed Interconnection Agreement should be approved.

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<sup>4</sup>See HAR § 6-80-6(a)(1) (emphasis added).

II.

Orders

THE COMMISSION ORDERS:

1. The Interconnection Agreement filed by Hawaiian Telcom and PLNI on May 18, 2007, is approved.

2. Within thirty days from the date of this Order, Hawaiian Telcom and PLNI shall submit an executed Interconnection Agreement consistent with the commission's approval herein. The effective date of the agreement shall be the date of this Order.

3. The failure to comply with the requirements enumerated above, may constitute cause to void this Order and may result in further regulatory action as authorized by law.

4. Upon the filing of the executed Interconnection Agreement between Hawaiian Telcom and PLNI, with the applicable effective date, this docket shall be closed unless ordered otherwise by the commission.

DONE at Honolulu, Hawaii JUN 20 2007.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By Carlito P. Caliboso  
Carlito P. Caliboso, Chairman

By John E. Cole  
John E. Cole, Commissioner

APPROVED AS TO FORM:

J. Sook Kim  
Ji Sook Kim  
Commission Counsel  
03-0197.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23500 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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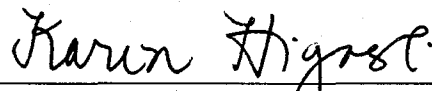
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Certificate of Service  
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\_\_\_\_\_  
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DATED: JUN 20 2007